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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,365	12/04/2003	John E. Burton	053990-0039	6378

20572 7590 05/07/2007  
GODFREY & KAHN S.C.  
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MILWAUKEE, WI 53202

EXAMINER
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CARIASO, ALAN B

ART UNIT	PAPER NUMBER
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2885

MAIL DATE	DELIVERY MODE
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05/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/728,365		BURTON, JOHN E.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Alan Cariaso		2885	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 11 and 25-31 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10, 12-17 and 22-24 is/are allowed.
- 6) ☒ Claim(s) 18-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Terminal Disclaimer***

1. The terminal disclaimer filed on 11 September 2006 in US patent application 11/212,070 now US Patent **7150641** disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Response to Arguments***

2. Applicant states that unlike as recited in Claims 1, 13 and 18, the mounting bracket of Caminetti does not include a rear surface that is configured to stationarily mount to a vehicle. Further, the arms (29) of Caminetti extend downwardly, not frontwardly or forwardly, from the mounting bracket/yolk (28) and they do not extend in a direction opposite that of the rear surface of the mounting bracket. Indeed, the arms (29) of Caminetti pivot along with the mounting bracket (28, 32, 31) when the spotlight is adjusted; and therefore also not considered to be "stationary."

3. In rebuttal, Caminetti does disclose a rear surface (cap 21) on the mounting bracket (yolk 28, ring-housing 31, circular flange 32) through which the adjuster (72,73,39,42,43) passes, and the mounting bracket/yolk having the arms (29) extend in a direction opposite the rear surface (21) of the mounting bracket. The designation of at least rear and forward on parts of the mounting bracket of Caminetti is arbitrary, but the rear surface and forward arms of the bracket are oriented relative each other as claimed. However, it is persuasive that the rear surface of Caminetti may not be

configured to stationarily mount a vehicle, in regards to claims 1 and 13. Claim 18 does not support this argument.

4. In response to applicant's argument that there is no motivation, suggestion or teaching in Caminetti with Hunt references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the adjustable lamp and mounting bracket assembly of CAMINETTI JR to include the type of reflector, lens and bulb as taught by HUNT in order to project a spot light beam enhanced by reflective and refractive optics forward of the vehicle.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over CAMINETTI, JR (US 1,712,690) in view of HUNT (US 1,407,544).

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7. CAMINETTI discloses an adjuster and bracket assembly comprising: a mounting bracket (yoke 28, flange 32, ring 31 in fig.2) having a rear surface (cap 21) through which an adjuster (72,73,39,42,43), the mounting bracket having stationary arms (29) extending frontwardly from the mounting bracket in a direction opposite the rear surface (21) of the mounting bracket (fig.6), the stationary arms (29) dimensioned to pivotally (figs.5-6) receive a spotlight (30); the adjuster (72,73,39,42,43) secured to the mounting bracket (28,31,32 fig. 2) such that when the spotlight (30) is pivotally received by the stationary arms (29) of the mounting bracket (28) after the adjuster (72) has been secured thereto, the adjuster (72,73,39,42,43) communicates with the spotlight such that rotation of an aiming screw (72,73) within the adjuster (72,73,39,42,43) causes pivoting of the spotlight (30) within the stationary arms (29) of the mounting bracket (28,31,32); wherein the mounting bracket (28,31,32) has a head retaining bracket (21), the aiming screw (72,73) of the adjuster fitted into the head retaining bracket (21); wherein the mounting bracket (28,31,32) has a plurality of arms (29) and the spotlight has a plurality of posts (68), the arms (29) functionally engaging the posts (28) such that actuation of the adjuster causes the reflector to pivot on the posts; a lamp assembly installed into a vehicle (4, fig.1)

8. However, CAMINETTI does not disclose a reflector, lens and bulb. HUNT teaches a vehicle spotlight comprising a reflector (12), lens (fig.6) and bulb (14) for the purpose of providing an optically enhanced spot beam light forward the vehicle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the adjustable lamp and mounting bracket assembly of

CAMINETTI JR to include the type of reflector, lens and bulb as taught by HUNT in order to project a spot light beam enhanced by reflective and refractive optics forward of the vehicle.

***Allowable Subject Matter***

9. Claims 1-10, 12-17 and 22-24 are allowed.
10. This application contains claims 11 and 25-31 drawn to an invention nonelected with traverse in the reply filed on 16 November 2005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

***Conclusion***

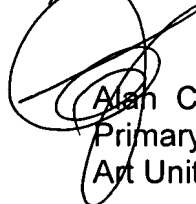
11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (571) 272-2366. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alan Cariaso  
Primary Examiner  
Art Unit 2885

April 30, 2007  
AC